

ORIGINAL

VITALIANO, J.

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CIVIL RIGHTS COMPLAINT

NOV 13 2017

42 U.S.C. § 1983

REYES, M.J. EDNY PRO SE OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CV 17-6801

John T. Rousseau

11/13-17

Full name of plaintiff/prisoner ID#

Plaintiff,

JURY DEMAND

YES ☒ NO ☐

-against-

The people of the state of New York

medical staff from Green Haven

corr-facility AN John Doe '17-1

Enter full names of defendants

[Make sure those listed above are
identical to those listed in Part III.]

Defendants.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

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I. Previous Lawsuits:

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes () No (☒)
- B. If your answer to A is yes, describe each lawsuit in the space below (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs:

John T. Rousseau

Defendants:

The people of the state of New York

2. Court (if federal court, name the district;
if state court, name the county)

N/A

3. Docket Number: N/A

4. Name of the Judge to whom case was assigned: N/A

5. Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing lawsuit: N/A

7. Approximate date of disposition: N/A

II. Place of Present Confinement: WYOMING CORR-FACILITY

A. Is there a prisoner grievance procedure in this institution? Yes (✓) No ()

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? Yes (✓) No ()

C. If your answer is YES,

1. What steps did you take? I presented my medical report from my injuries AN yet this facility medical unit has also failed to provide me medical care: UNDER COLOR OF STATE LAW

2. What was the result? SECTION 1983: TOO SHORLY CAUSE FOR THIS 8th amendment IN CHANCE VS ARMSTRONG 1998 3d CIRCUIT

D. If your answer is NO, explain why not "I'm still in so much pain" YOUR HONOR.

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes (✓) No ()

F. If your answer is YES,

1. What steps did you take? I have been trying to get some help for my medical problem, so be that as it may, some times I can't even talk more less walk and that the

2. What was the result? result is that I am now getting some help from a white who he said to me that he will help me to file a claim

III. Parties:

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff John T. Rousseau

Address Wyoming state CORR. Facility P.O. box 501 Altica N.Y. 14011

(In item B below, place the full name and address of each defendant)

B. List all defendants' names and the addresses at which each defendant may be served. Plaintiff must provide the address for each defendant named.

Defendant No. 1

The people of the state of New York
Sullivan County: NY 12582

Defendant No. 2

Green Haven state CORR. Facility
594 Route 216 Storville NY 12582

Defendant No. 3

SULLIVAN COUNTY where CLAIM AROSE
NY 12582

Defendant No. 4

Defendant No. 5

[Make sure that the defendants listed above are identical to those listed in the caption on page 1].

IV. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 1/2 by 11 sheets of paper as necessary.)

CLAIM AROSE ARE AS FOLLOW ON date 11/10/07 AT OR ABOUT 9:45 WHILE COMING IN FROM THE YARD. I WAS IN MY CELL I FELT THAT I HAD TO USE THE BATH ROOM WHEN I FELL OUT ON THE FLOOR WHERE I WAS FOUND "THE NEXT DAY" AND THEN AN ONLY THEN I WAS TAKING TO THE HOSPITAL, WHERE I STAYED AND LIVE FOR 3 MONTHS FROM WHAT I WAS TOLD FROM OTHER INMATES ONCE I HAVE ARRIVED BACK AT GREEN HAVEN. 11-10-07

IV.A If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

INJURIES I HAVE SUFFER FROM WAS AN BLOOD VESSEL THAT HAVE POPPED IN THE BACK TOP OF MY "HEAD" WHICH CAUSE ME TO SPEAK WITH A SLUR AND THAT CAUSE ME TO BE SEMI "PARALYZE" ON THE RIGHT SIDE OF MY "BODY".
 TOO SHAW CAUSE YOUR HONOR SIR.

V. Relief:

State what relief you are seeking if you prevail on your complaint.

I'am asking this court to show cause for Failure to Act to remedy
A WRONG" AGAINST the people of the state of New York under color of state
law 1983: For the sum of 20 million dollars: too show for relief
too show cause for punitive damage for Neglect "too show cause for supervisor
Liability AND their subordinates AND their lower-ranked staff members'
actions, AND their deliberate indifference: Your Honor this claim for 20 million
dollars is for individual AND official capacities:
too show cause for medical neglect by medical official at the Facility
THANK YOU-

I declare under penalty of perjury that on 11-6-17, I delivered this
(Date)
complaint to prison authorities to be mailed to the United States District Court for the Eastern
District of New York.

Signed this 6 day of November, 20 17. I declare under penalty of
perjury that the foregoing is true and correct.

John Roussseau JR
Signature of Plaintiff

06A2549
Name of Prison Facility

Wyoming state Corr- Facility
P.O. Box 501 Atlantic City.

Address

06A2549
Prisoner ID#

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Notice of the claim:

too show cause

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The supervisor, after learning of a violation of your rights failed to remedy the wrong" or the supervisor created a policy or custom under which plaintiff constitutional rights were violated and allowed such a policy or custom to continue" or The supervisor was "grossly negligent" in that he did not adequately supervise the subordinates who violated plaintiff rights

Failure to act to remedy a wrong"

too show cause:

See: Green v. Branson, 108 F.3d 1296, 1302 (10th Cir. 1997) Liability of a supervisor under § 1983 must be predicated on the supervisor's deliberate indifference, rather than mere negligence)

See: Poe v. Leonard, 282 F.3d 123, 140 (2d Cir. 2002) defining supervisor deliberate indifference" with respect to his subordinates' actions as occurring when a supervisor fails to act on information indicating unconstitutional acts were occurring when a supervisor knew about those actions.

The second circuit has applied a lower standard in cases involving a supervisor's deficient management of staff or failure to respond to constitutional violations holding that the supervisor need only have been "grossly negligent"

too: Federal court clerk:

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too: Federal court Judge:

(2)

Nature of the claim:

11-6-17

Deliberate indifference. Violates plaintiff's 8th Amendment rights and Article I section 5 of the NY constitution. In *Estelle vs. Gamble* U.S. 1976: "Infliction of unnecessary suffering on prisoner by failure to treat his medical needs is inconsistent with contemporary standards of decency and violates the 8th Amendment." In *Chavez vs. Armstrong* 2nd Circuit 1998:

too show cause: "A plaintiff may establish the requisite culpability for a deliberate indifference claim where the doctors choose a course of treatment, not on the basis of their medical views, but because of monetary incentives."

In *Jones vs Westchester county dept of corer-med dept* sd. NY. 7008 refusing medical treatment or surgery for the sole purpose of shifting the cost of his care to another institution, sufficient to establish culpable mental state. *Hall vs Lefevre* NY 1983 and *Rosario vs Scully* NY 1993, make it clear that deliberate indifference is grounds for a habeas corpus. under conditions of confinement as well as "cruel and unusual punishment" if this notice of claim is successful to show for the writ of habeas corpus I must be entitled to an immediate release.

Nature of suit 550.

John T. Rousseau Jr.

Prisoner Civil Rights

65 mill pond lane

U.S.C. 42 complaint:

Bay Shore NY 11706

represented by: John T. Rousseau Jr.